

SENATE BILL REPORT

SB 5446

As Reported by Senate Committee On:
Financial Institutions, Housing & Insurance, February 9, 2011

Title: An act relating to the entry or removal of certain homes, models, or vehicles in manufactured housing communities with a nonconforming use status.

Brief Description: Concerning the entry or removal of certain homes, models, or vehicles in manufactured housing communities with a nonconforming use status.

Sponsors: Senators Shin and Hobbs.

Brief History:

Committee Activity: Financial Institutions, Housing & Insurance: 2/08/11, 2/09/11 [DP].

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, HOUSING & INSURANCE

Majority Report: Do pass.

Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton, Ranking Minority Member; Fain, Haugen, Keiser and Litzow.

Staff: Edward Redmond (786-7471)

Background: Residential zoning regulations are promulgated by counties, cities, and towns (local governments) to encourage patterns of residential development that serve community goals with respect to population density, neighborhood development, environmental quality, transportation, land use, utility systems, etc. Such zoning regulations typically have rules specific to manufactured homes and manufactured housing communities regarding location, design, lot size, foundation construction, and other requirements.

A nonconforming use is a use of property that was allowed under the zoning regulations at the time the use was established but which, because of subsequent changes in those regulations, is no longer a permitted use. This term has not been defined in statute so local governments are free, within certain constitutional limits, to establish their own standards for regulating the nonconforming use.

In 2004 the Legislature permitted local governments to designate a new manufactured housing community as a nonconforming use. Local governments, however, were prohibited

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

from removing or eliminating an existing manufactured housing community based on its designation as a nonconforming use.

Summary of Bill: Cities, code cities, and counties are prohibited from denying authorized manufactured/mobile homes, recreational vehicles, or park models entry into, or requiring their removal from, a manufactured housing community based on the community's status as a nonconforming use.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The Manufactured Housing Communities of Washington supports the bill because it is intended to provide low-income affordable housing. In 2004 there was an amendment in the zoning code that provided manufactured housing communities could not be amortized out of existence. Currently, some local governments have taken the position that if you remove a manufactured or mobile home from a nonconforming use manufactured housing community, you cannot replace that house because of the nonconforming use. The intent of this bill is to clarify that you cannot prevent homes from coming back in the park where there are vacant lots due to the community's status as a nonconforming use.

Persons Testifying: PRO: John Woodring, Walter Olsen, Manufactured Housing Communities of Washington.